

# NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

## NOTICE OF RULEMAKING DOCKET OPENING

### BOARD OF PHARMACY

*Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 4188.)*

[R13-214]

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 23, Board of Pharmacy  
**Article and its heading:** 1, Administration  
2, Pharmacist Licensure  
6, Permits and Distribution of Drugs

**Section numbers:**

R4-23-110, R4-23-205, R4-23-601 through R4-23-607, R4-23-692 and R4-23-693 *As part of this rulemaking, the Board may add, delete, or modify additional Sections as necessary.*

**2. The subject matter of the proposed rule:**

It has come to the Board's attention through recent complaint review, that resident permittees have purchased drugs from persons that do not have a current Board permit, then distributed those drugs within Arizona and into other states without obtaining a nonresident permit where required. The Board has determined that R4-23-601 needs to be amended to add the requirement that resident permittees verify they receive drugs, precursor chemicals, and regulated chemicals only from persons that comply with R4-23-601(A), and that they comply with any nonresident permit or license requirements.

In recent years, the Board has added an online link that allows for electronic application submission for pharmacies, manufacturers, wholesalers, nonprescription drug retailers, and compressed medical gas distributors and suppliers. The Board has determined that several sections of the rules need to be amended to reflect changes in the application and renewal processes for all permittees. The results from the 2013 auditor's review from the State of Arizona Office of the Auditor General recommended the Board should ensure all applicants for permits meet the permit requirements, and the Board should track its compliance with statutorily required time-frames for issuing permits. After an extensive review, the Board has determined that several sections of the rules need to be amended to update zoning, surety bond, fingerprint requirements, and time-frames for application processes.

In 2013, durable medical equipment was added to the compressed medical gas supplier permit and fee sections in statute. The Board has determined that rules need to be added for durable medical equipment to support the statute changes.

In addition, definitions will be added to support changes in Article 6 rules, citations to statutes and rules amended or added where applicable, and language amended to make the rules more clear and concise.

**The agency docket number, if applicable:**

R1302

**3. A citation to all published notices relating to the proceeding:**

None

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Sandra Sutcliffe, Compliance Officer

Address: Board of Pharmacy  
P.O. Box 18520  
Phoenix, AZ 85005

Telephone number: (602) 771-2727

Fax: (602) 771-2749

E-mail: ssutcliffe@azpharmacy.gov

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

**Notices of Rulemaking Docket Opening**

The agency will accept written comments Monday through Friday 8:00 a.m. to 5:00 p.m. Oral comments may be made at the Board office Monday through Friday 8:00 a.m. to 4:30 p.m.

Location: Board of Pharmacy  
1616 W. Adams, Suite 120  
Phoenix, AZ 85007

Mail: P.O. Box 18520  
Phoenix, AZ 85005

Written and oral comments will be accepted until close of record on a date and time as yet undetermined.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

None